

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,045	11/10/2000	M. Rigdon Lentz	LEN 102	3239
23579	7590 07/08/2005		EXAMINER	
PATREA L. PABST PABST PATENT GROUP LLP			SPECTOR, LORRAINE	
400 COLONY SQUARE			ART UNIT	PAPER NUMBER
SUITE 1200			1647	
ATLANTA, GA 30361			DATE MAILED: 07/08/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./
CONTROL NO.

FILING DATE
FIRST NAMED INVENTOR /
PATENT IN REEXAMINATION

ATTORNEY DOCKET NO.

EXAMINER

ART ÙNIT PAPER

20050705

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner for Patents** 

Please see attached Examiner's amendment, and notice of suspension.

Lorraine Spector, Ph.D. Primary Examiner Art Unit: 1647

PTO-90C (Rev.04-03)

Art Unit: 1647

#### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Patrea Pabst on 7/1/2005.

The claims have been amended as shown on the attached sheets, which were submitted by applicant in response to a request by the Examiner in a telephone conversation held 7/1/2005.

All claims are allowable. However, due to a potential interference, ex parte prosecution is SUSPENDED FOR A PERIOD OF 6 MONTHS from the date of this letter. Upon expiration of the period of suspension, applicant should make an inquiry as to the status of the application.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Lorraine M. Spector. Dr. Spector can normally be reached Monday through Friday, 9:00 A.M. to 3:00 P.M. at telephone number 571-272-0893.

If attempts to reach the Examiner by telephone are unsuccessful, please contact the Examiner's supervisor, Ms. Brenda Brumback, at telephone number 571-272-0961.

Certain papers related to this application may be submitted to Technology Center 1600 by facsimile transmission. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 C.F.R. § 1.6(d)). NOTE: If Applicant does submit a paper by fax, the original signed copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED so as to avoid the processing of duplicate papers in the Office.

Application/Control Number: 09/709,045

Art Unit: 1647

Page 3

Official papers filed by fax should be directed to 571-273-8300. Faxed draft or informal communications with the examiner should be directed to 571-273-0893.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lorraine Spector, Ph.D.

**Primary Examiner** 

Application No. 09/709,045

Lentz

Amendment Under C.F.R. 1.116 Expedited Prosecution

### IN THE CLAIMS

This listing of claims will replace all prior versions, and listing, of claims in the application:

#### 1-22; Canceled.

- 23. (New) A method of enhancing an immune response in a patient having soluble cytokine receptor molecules in the blood which inhibit the immune response, the method comprising:
  - (a) obtaining whole blood from the patient;
  - (b) separating plasma from the blood;
- (c) contacting the plasma with at least one cytokine receptor inhibitor selected from the group consisting of antibodies or antibody fragments binding to soluble cytokine receptor molecules, and cytokine molecules or epitopes thereof binding to soluble cytokine receptor molecules;
- (d) removing soluble cytokine receptor molecules bound to the cytokine receptor inhibitor from the plasma; and
- (e) returning the plasma from which the soluble cytokine receptor molecules have been removed to the patient.
- 24. (New) The method of claim 23, wherein the cytokine receptor inhibitor is immobilized in a solid support or membrane.
  - 25. (New) The method of claim 23, wherein the antibodies are recombinant.
- 26. (New) The method of claim 23, wherein the antibodies are in a mixture of antibodies immunoreactive with the soluble cytokine receptor molecules.
  - 27. (New) The method of claim 23, wherein the patient is human.

Application No. 09/709,045

Lentz

Amendment Under C.F.R. 1.116 Expedited Prosecution

- 28. (New) The method of claim 23, wherein the soluble cytokine receptor is selected from the group consisting of soluble receptors for tumor necrosis factors alpha and beta.
- 29. (New) The method of claim 23, wherein the soluble cytokine receptor molecule is a TNF receptor.
- 30. (New) The method of claim 23, wherein the antibodies or antibody fragments are monoclonal.
- 31. (New) The method of claim 23, wherein the monoclonal antibodies or antibody fragments are recombinant.
- 32. (New) The method of claim 23, wherein the plasma is contacted with antibodies or antibody fragments.
- 33. (New) The method of claim 23, wherein the plasma is contacted with polyclonal antibodies or antibody fragments.
- 34. (New) The method of claim 23, wherein the plasma is contacted with monoclonal antibodies or antibody fragments.
- 35. (New) The method of claim 23, wherein the plasma is contacted with the cytokines or cytokine epitopes.
- 36. (New) The method of claim 34, wherein the monoclonal antibodies or antibody fragments are recombinant.
- 37. (New) The method of claim 23, wherein the blood is separated into plasma by filtration.
  - 38. (New) The method of claim 37, wherein the filtration is ultrafiltration.
  - 39. (New) The method of claim 23, wherein the method is repeated.